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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,478	10/25/2001	Helmut Windl	071308.0416	3740
7590	04/21/2004		EXAMINER	
Baker Botts L.L.P. One Shell Plaza 910 Louisiana Houston, TX 77002-4995			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/035,478	WINDL ET AL.
	Examiner Sara M Hanne	Art Unit 2173

*jm*

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*BAHOUNH*  
**PRIMARY EXAMINER**

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: ____.	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-2 and 6-7 are objected to because of the following informalities: The lack of punctuation is replete throughout the claims. There is a period missing at the end of claims 2 and 7 and in claim 1, the limitation: "configuring, automation equipment," is incorrect use of commas. Also Claim 6 has this same misuse of punctuation along with missing the word "The" to begin the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-6, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming et al., US Patent 5422993.

As in Claims 1 and 6, Fleming et al. teaches a computer program method and apparatus to drive a processor with a graphics display device for configuring automation equipment (printer) comprising displaying selectable images representative of the modules (documents) and providing a drop procedure to a concealed register that automatically moves the register to the foreground ("if the user were to drag Document 1 icon 53 out of window 51 into window 27, window 27 would automatically be

surfaced", Column 5, lines 24-26) after a variable amount of time to display it's contents (computer must react to delay time in order to bring a window to the front) (see also Figures 2-4).

As in Claims 2, 4, 7 and 9, Fleming further teaches moving a mouse cursor (dragging) over a register of a concealed register (window 27) dialog once a drop-and-drag action has been initiated (the document has been selected) moving the register automatically to the in foreground so that it is visible (see rejection *supra*).

As in Claims 5 and 10, Fleming teaches the drop procedure to be done during a registered dialog in a single closed handling sequence (Column 7, line 3 et seq.).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming et al., US Patent 5422993, and further in view of Yellepeddy et al., US Patent 6288790.

Fleming teaches displaying selectable module images, a drop function, and a concealed register of which content's are displayed after a predetermined amount of time. While Fleming teaches the concealed registered with window activation after a

certain amount of time and selectable modules to be implemented by an automation device, they fail to show bringing the concealed window to the front after a predetermined time interval. In the same field of the invention, Yellepeddy et al. teaches an automation interface with drag-drop control similar to that of Fleming. Yellepeddy et al. further teaches the concealed register moves to the foreground after a predetermined variable time interval ("At a user specified interval (in seconds)", Column 5, lines 59-60). It would have been obvious to one of ordinary skill in the art, having the teachings of Fleming and Yellepeddy et al. at the time the invention was made, to modify the selectable modules, drop function, and the bring to front action of the concealed register according to the cursor position taught by Fleming to include the bringing of the window to the foreground after a predetermined variable amount of time of Yellepeddy et al., in order to obtain timed control activation for a concealed window. One would have been motivated to make such a combination because encapsulation of data for a predetermined delay time would have been obtained, as taught by Yellepeddy et al.

***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar automation equipment interfaces, drag-drop procedures and "bring to front" methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH  
PRIMARY EXAMINER